

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Luis Omar OROPEZA-Sanchez,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **April 20, 2008**, within the Southern District of California, defendant **Luis Omar OROPEZA-Sanchez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Francisco PONCIANO-Palacios, Ruben ACOSTA-Granados, F.A.G. (juvenile), Aaron PONCIANO-Cruz, and Eddy PONCIANO-Juarez** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Andrew Kohl W-122
SAA

SIGNATURE OF COMPLAINANT

Andrew Kahl
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **APRIL 2008**

L. H. Baker

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Francisco PONCIANO-Palacios, Ruben ACOSTA-Granados, F. A.G. (juvenile), Aaron PONCIANO-Cruz, and Eddy PONCIANO-Juarez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 20, 2008 Border Patrol Agent M. Davis was performing line watch duties in the Imperial Beach area of responsibility. At approximately 6:00 a.m., Agent Davis responded to a report from a National Guard member, who was spotting from an area known as "West High Point", of a group of six suspected illegal aliens riding north on bicycles from the area known as "Goat Canyon". This canyon is about four miles west of the San Ysidro, California Port of Entry and directly north of the U.S. /Mexico border fence. Due to its proximity to the international border, this area is notorious for the presence of undocumented aliens attempting to further their illegal entry north into the United States.

The National Guard spotter stated that the group was riding north at a high rate of speed and was approaching an area known as the "Iron Gates". Agent Davis responded to the area, at the direction of the National Guard member, in order to locate the group of suspected illegal aliens. Upon arrival, he spotted three persons on bicycles, in an area consistent with the report from the guardsman. Agent Davis identified himself as a Border Patrol Agent and began to question the three individuals as to their immigration status. All three individuals stated that they were citizens and nationals of Mexico illegally present in the United States. These persons were placed under arrest. Agent Davis also found three additional bicycles, and began searching the surrounding area for the remaining three bicyclists.

After a brief search, Agent Davis located three subjects a short distance away, crouched down in some brush, as if trying to avoid being seen. Agent Davis identified himself as a Border Patrol Agent and began to question the three individuals as to their immigration status. These three subjects, including one individual later identified as the defendant **Luis Omar OROPEZA-Sanchez**, admitted that they were citizens and nationals of Mexico illegally present in the United States. At approximately 6:15 a.m., Agent Davis placed the defendant and the other two individuals under arrest. All six persons, to include the defendant, were then transported to the Imperial Beach Border Patrol Station for further processing.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Francisco PONCIANO-Palacios, Ruben ACOSTA-Granados, F.A.G.(juvenile), Aaron PONCIANO-Cruz, and Eddy PONCIANO-Juarez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally with the aid of an alien smuggler/ foot guide. The material witnesses stated the smuggler provided each one of them with bicycles which they later used to cross illegally in the United States. They stated that the smuggler directed them to listen to his instructions and to follow him north. The material witnesses stated that they were to pay \$2,000.00 to \$2,500.00 (US) to be smuggled to various parts of the United States.

Material witnesses PONCIANO, R. ACOSTA, A. ACOSTA, PONCIANO-Cruz, and PONCIANO-Juarez were presented with six color photographs of all six persons detained in this smuggling event. All the material witnesses were able to positively identify the defendant, **Luis Omar OROPEZA-Sanchez** as the alien smuggler/foot guide that led them north into the United States on bicycles.